

# #241874 - Appeal\_CBA\_FY2015

[Summary](#) [News](#) [Related Actions](#)

## Case Details

**Topic** Appeals - Other  
**Status** Closed  
**Priority** Medium  
**Inquiry Type** Web

**Form Type** FCC Form 471  
**Form Number** 1050117  
**Created By** Martin Fraley  
**Created On** 7/8/2018 8:21 PM PDT  
**Organization** [Los Angeles Education Corps](#)

## Case Description

**Description** Re: Appeal of Recovery of Improperly Disbursed Funds  
Form 471 Application#: 1050117

## Case Artifacts

### Documents

Name	Uploaded By	Upload Date
<a href="#">doc05927720180705103603</a>	Martin Fraley	7/8/18 8:21 PM
<a href="#">FCC Appeal Recovery of Improperly Disbursed Funds</a>	Martin Fraley	7/8/18 8:21 PM
<a href="#">laed20170809113148</a>	Martin Fraley	7/8/18 8:21 PM

### Attachments

Attachment	Attachment Type
No items available	

## Case Thread

User	Note	Date
USAC	<p>Thank you for submitting your correspondence to the Schools &amp; Libraries Division (SLD) of the Universal Service Administrative Company.</p> <p>This message serves as a receipt confirmation of your submission.</p>	7/31/2018 6:47 AM PDT
USAC	<p>Your appeal has been received and forwarded to the appropriate department.</p> <p>USAC will process your appeal for FY2015 (and previous years) in the following manner:</p> <ol style="list-style-type: none"><li>1. USAC receives the appeal in EPC as a customer service case.</li><li>2. USAC reviews the customer service case and closes the case.</li><li>3. USAC sends a paper letter of acknowledgment that we received your appeal.</li><li>4. USAC reviews your appeal and processes it.</li><li>5. USAC mails a decision letter when the review is complete.</li></ol> <p>During the appeal review process, USAC may need you to answer questions and/or provide additional information to support your appeal. For FY2015 and previous year appeals, USAC will complete this communication via email, phone, and USPS mail.</p>	7/9/2018 10:44 AM PDT

User	Note	Date
	<p>If you have any additional questions or concerns, you may add a note to this case or contact the Client Service Bureau at 888-203-8100.</p> <p>Thank you, Danielle S. Universal Service Administrative Company (USAC) Client Service Bureau</p>	
USAC	<p>Thank you for contacting USAC Client Service Bureau regarding an appeal.</p> <p>Any decision made by USAC or the Schools and Libraries Program regarding eligibility, funding, or payment recovery, can be appealed by the impacted party.</p> <p>USAC must receive a complete appeal within 60 days of the issuance of the decision by USAC; e.g., a FCDL must be appealed within 60 days of the date of the FCDL. To allow sufficient time for review, USAC encourages impacted parties to submit appeals as soon as possible following USAC's decision. Failure to provide all required documentation within 60 days of USAC's decision will result in dismissal of the appeal. See 47 C.F.R. Section 54.719-54.725 for the FCC's rules on filing an appeal.</p> <p>There are three paths to beginning an appeal in EPC:</p> <ol style="list-style-type: none"> <li>1. You can reach it from the Landing Page. Click Appeal in the list of options at the top right, or</li> <li>2. You can reach it from the top-right drop-down menu on the Entity Summary Page. Click Create Appeal, or</li> <li>3. You can reach it from the Related Actions section of the Entity Summary Page. Click Create Appeal.</li> </ol> <p>The remaining steps are as follows:</p> <ol style="list-style-type: none"> <li>1. On the first page, enter a Nickname for your appeal and choose the appropriate Funding Year.</li> <li>2. Select the appropriate options under "What type of decision you would like to appeal?", "Appeal Type", and "Appeal Category".</li> <li>3. Enter the name of the Main Contact Person. Click "Continue".</li> <li>4. On the next page, under "Choose Search Method", choose "Search by FRN" or "Search by Post-Commitment Request". <ol style="list-style-type: none"> <li>a. If you chose "Search by FRN", use the filters to find the FRN(s) for which you would like to submit an appeal. <ol style="list-style-type: none"> <li>i. Place a checkmark next to the FRNs and click "Add (#) FRNs".</li> <li>ii. To remove an FRN, place a checkmark next to it and select "Remove (#) FRNs".</li> <li>iii. After all appropriate FRNs are listed under "Selected FRNs", click Continue.</li> </ol> </li> <li>b. If you chose "Search by Post-Commitment Request", use the filters to find the post-commitment request for which you would like to submit an appeal. <ol style="list-style-type: none"> <li>i. The system will automatically select all</li> </ol> </li> </ol> </li> </ol>	7/9/2018 10:11 AM PDT

User	Note	Date
	<p>of the FRNs associated with the selected post-commitment request. If any FRNs should be excluded, check the box(es) next to the FRN(s) under the section "FRNs associated with Post-Commitment Request" and click "Remove (#) FRNs".</p> <p>ii. Once only the correct FRNs are listed under "FRNs associated with Post-Commitment Request" click "Continue".</p> <p>5. On the next page, you may enter up to 2000 characters in the Narrative field to describe your appeal.</p> <p>6. Attach any supporting documentation using the Upload Document section.</p> <p>7. Click Submit and confirm by clicking "Yes" in the pop-up.</p> <p>Additional information about appeals appears on the following page on the Schools and Libraries website:  <a href="http://www.usac.org/sl/about/program-integrity/appeals.aspx">http://www.usac.org/sl/about/program-integrity/appeals.aspx</a></p> <p>If you have any questions or believe this case was closed incorrectly, please re-open this case or contact us at (888)-203-8100.</p> <p>Thank you,  Derrick H  Universal Service Administrative Company (USAC)  Client Service Bureau  (888) 203-8100</p>	

## Case Contact

**Case Contact** Martin Fraley



July 8, 2018

Universal Service Administrative Co.

**Re: Appeal of Recovery of Improperly Disbursed Funds**  
Form 471 Application#: 1050117

**Contact Information for this Appeal:**

Name: Martin R. Fraley  
Address: 3569 E. Kesler Lane, Gilbert, Az 85295  
Email Address: mfraley@completetechaz.com

**Appellant Information for this Appeal:**

Appellant Name: Noel Rauda-Trout  
Applicant Name: College Bridge Academy  
Service Provider Name: XO Communication Services LLC  
Applicant BEN: 16082265  
Service Provider Identification Number: 143000093  
FCC Form 471 Application Number: 1050117  
Funding Request Number: 2867733  
Funding Year: 2015

Complete Technology Solutions on behalf of College Bridge Academy, BEN # 16082265 would like to request an Appeal of the FCC Form 471 Application that USAC is seeking recovery of improperly disbursed funds in the amount of \$21,303.80 for the above listed Form 471.

College Bridge Academy received a letter dated June 18, 2018 stating the following:

“You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recover of improperly disbursed funds in the amount of \$21, 303.80.”

We would like to file the Appeal as we disagree with this decision based on the following facts:

1. On August 2, 2017, College Bridge Academy received a letter from USAC titled “Administrator’s Decision on FCC Remand – Funding Year 2015”. In this letter it states that College Bridge Academy has been identified as qualifying for relief provided for in FCC Order DA 17-526 released on May 30, 2017. In DA 17-526, the FCC directed USAC to allow applicants to resubmit invoices, or BEAR forms. The letter identified College Bridge Academy’s BEAR form for the invoice #2388022 where the system change prevented service providers from certifying BEARs that were pending. The letter also states that the Invoice Due Date is October 1, 2017 and we resubmitted the BEAR on August 15, 2017 before the invoice Due Date of October 1, 2017.

I have attached both the letters sent on June 18, 2018 and August 2, 2017 for your reference.

Thank you in advance for your assistance in this matter.

Respectfully,

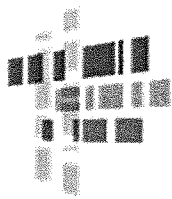
Martin Fraley

Owner/Consultant 16067743

Complete Technology Solutions, LLC

480-390-3085

Fax: 480-890-4101



Universal Service  
Administrative Co.

Schools and Libraries Division

## Administrator's Decision on FCC Remand - Funding Year 2015

August 2, 2017

Noel Rauda-Trout  
COLLEGE BRIDGE ACADEMY  
1427 W 25TH ST  
LOS ANGELES, CA 90007-1632

Re: Applicant Name: COLLEGE BRIDGE ACADEMY  
Billed Entity Number: 16082265  
Form 471 Application Number: 1050117  
Funding Request Number: 2867733  
FCC Order: 17-526  
FCC Order Release Date: May 30, 2017  
**Invoice Due Date: October 1, 2017**

Dear Program Participant:

You are receiving this Administrator's Decision Letter because USAC has identified you as qualifying for relief provided for in FCC Order DA 17-526 released on May 30, 2017.

In DA 17-526, the FCC directed USAC to allow applicants to resubmit invoices, or Billed Entity Applicant Reimbursement (BEAR) forms, which had been timely filed between August 2014 and July 2016 and that were rejected "based on a lack of timely service provider certification before the invoice filing deadline." The FCC directed USAC to allow for resubmission of these BEARs and processing within the next 90 days.

We have identified your BEAR form for the invoice # 2388022 where the system change prevented service providers from certifying BEARs that were pending on July 1, 2016. The remaining commitment on this Funding Request is \$21303.8.

**Please resubmit your BEAR form for the information identified above by October 1, 2017 for processing.**

If you need further assistance with filing your BEAR form, please see the BEAR form instructions on the USAC website or contact our Client Service Bureau (CSB) at 1-888-203-8100.

In addition, please note, service providers need to annually file a Service Provider Annual Certification (SPAC) Form, to certify they will comply with program rules. Your service provider(s) must have a SPAC Form on file for each Service Provider Identification Number (SPIN) indicated on your BEAR form.

Sincerely,

Schools and Libraries Division  
Universal Service Administrative Company

Noel Rauda-Trout  
COLLEGE BRIDGE ACADEMY  
1427 W 25TH ST  
LOS ANGELES, CA 90007 - 1632





Universal Service  
Administrative Co.

## Recovery of Improperly Disbursed Funds Letter

Noel Rauda-Trout  
COLLEGE BRIDGE ACADEMY  
1427 W 25TH ST  
LOS ANGELES, CA 90007 - 1632

6/18/2018

Our review of your Schools and Libraries Universal Service Support Program (or E-rate) funding request has determined funds were committed in violation of Federal Communications Commission (FCC) rules. You have 60 days from the date of this letter to appeal the following decision(s). For more detailed information see below.

**Total amount to be recovered: \$21,303.80**

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
1050117	2867733	\$0.00	\$21,303.80	FCC Directive	Applicant

*See Attached Adjustment Report for more information on the specific FRNs and Explanations listed above.*

### Recovery of Improperly Disbursed Funds

Our review of your Universal Service Schools and Libraries Support Program (or E-rate) funding request(s) referenced in the Adjustment Report has determined funds were improperly disbursed in violation of Federal Communications Commission (FCC) rules. A copy of that Adjustment Report is also attached to this letter.



FCC rules require the Universal Service Administrative Company (USAC) to rescind commitments and recover funding when it is determined that funding was committed and disbursed in violation of the rules. This letter notifies you that USAC will be adjusting your funding commitment(s) and provides information on how to appeal this decision.

This is NOT a bill. If disbursed funds need to be recovered, USAC will issue a Demand Payment Letter. The debt referenced in the Demand Payment Letter will be due within 30 days of that letter's date. Failure to pay the debt may result in interest, late payment fees, and administrative charges and will invoke the FCC's "Red Light Rule."

### FCC's Red Light Rule

The FCC Red Light Rule requires USAC to dismiss pending FCC Form 471 applications, appeals, and invoices or to net disbursements offsetting the debt if the entity responsible for paying the outstanding debt owed to the FCC has not paid the debt or made satisfactory arrangements to pay the debt within 30 days of the Demand Payment Letter. For information on the Red Light Rule, see

<https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>

### To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

All appeals filed with USAC must be filed in EPC by selecting "Appeal" from the menu in the top right hand corner of your landing page and providing the requested information.

Your appeal should include the following information. (Because you file the appeal through your EPC account, the system will automatically fill in some of these components for you).

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Recovery of Improperly Disbursed Funds) and the decision you are appealing:



**Universal Service  
Administrative Co.**

- a. Appellant name;
- b. Applicant name and service provider name, if different from appellant;
- c. Applicant BEN and Service Provider Identification Number (SPIN);
- d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
- e. "Recovery of Improperly Disbursed Funds," AND the exact text or the decision that you are appealing.

3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

For more information on submitting an appeal to USAC including step by step instructions on how to file the appeal through EPC, please see "Appeals" in the Schools and Libraries section of the USAC website.

As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of the information referenced above for appeals to USAC.

The FCC recommends filing appeals or waiver requests with the Electronic Comment Filing System (ECFS) to ensure timely filing. Electronic waiver requests or appeals will be considered filed on a business day if they are received at any time before 11:59 PM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193.

For more information about submitting waiver requests or appeals to the FCC, including options to submit the waiver request or appeal via U.S. mail or hand delivery, visit the FCC's website.

Schools and Libraries Division

cc: Jamie Sontany  
XO Communication Services LLC



## Adjustment Report

FCC Form 471 Application Number:	1050117
Funding Request Number:	2867733
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$21,303.80
Explanation(s):	FCC Directive
Party to Recover From:	Applicant
Funding Year:	2015
Billed Entity Number:	16082265
Services Ordered:	INTERNET ACCESS
Service Provider Name:	XO Communication Services LLC
SPIN:	143000093
Original Funding Commitment:	\$42,346.80
Adjusted Funding Commitment:	\$42,346.80
Funds Disbursed to Date:	\$42,346.80

### Funding Commitment Adjustment Explanation

You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds in the amount of \$21,303.80.